

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 15, 2016
7:00 p.m.**

David H. Smith) – Mayor Presiding

Edward J. Burks)
Linda H. Carter)
Walker B. Moffitt) – Council Members Present
Jane H. Redding)
Katie L. Snuggs)
Charles A. Swiers)

Clark R. Bell) – Council Member Absent

John N. Ogburn, III, City Manager
Robert L. Brown, Jr., Police Captain
Holly H. Doerr, CMC, NCCMC, City Clerk/Paralegal
Michael L. Leonard, P.E., City Engineer
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Jeffrey C. Sugg, City Attorney
Roy C. Wright, Fire Chief

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for private prayer and meditation, Mayor Smith asked everyone to stand and say the pledge of allegiance.

3. Presentation of the Government Finance Officers Association for Excellence in Financial Reporting Award to Deborah P. Reaves, Finance Director.

Mayor Smith and Mr. Ogburn recognized Ms. Reaves for receiving the Government Finance Officers Association for Excellence in Financial Reporting Award.

4. Consent agenda:

Upon motion by Ms. Carter and seconded by Ms. Redding, Council voted unanimously to approve/adopt, as presented, the following consent agenda items. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

(a) The minutes of the city council's regular meeting on August 4, 2016.

Copies of the approved minutes are on file in the city clerk's office and are posted on the city's website.

(b) Acknowledgement of the receipt from the Asheboro ABC Board of its meeting minutes for July 11, 2016 and August 1, 2016.

A copy of the Asheboro ABC Board's meeting minutes are on file in the city clerk's office.

- (c) **Approval to schedule public hearings for October 6, 2016, and to advertise these hearings, concerning the following zoning cases.**
- (i) **Application to rezone property located at 614 East Dixie Drive (Randolph County Parcel Identification Number 7760068674) from R15 (Low-Density Residential) and CU-B2 (Conditional Use General Commercial) to B2 (General Commercial)**
- With the above-stated approval of the consent agenda, the scheduling and advertisement of a public hearing on the above-described East Dixie Drive rezoning application was approved.
- (ii) **Application file by the City of Asheboro to amend zoning ordinance text, specifically including nonconformity provisions pertaining to the allowable expansion of structures with legal non-conforming situations involving setbacks**
- With the above-stated approval of the consent agenda, the scheduling and advertisement of a public hearing on the above-described zoning ordinance amendment was approved.
- (iii) **Application for a conditional use permit allowing manufacturing, processing, and assembly-light on property located along the north side of East Dorsett Avenue (Randolph County Parcel Identification Number 7750973085) that is in a Conditional Use General Commercial (CU-B2) zoning district**
- With the above-stated approval of the consent agenda, the scheduling and advertisement of a public hearing on the above-described East Dorsett Avenue Conditional Use Permit application was approved.
- (d) **The temporary street closure on Saturday, October 8, 2016, from 10:00 a.m. to 11:30 a.m., of the streets indicated on the enclosed map titled "Downtown Parade Route" and attached to the parade permit application.**
- (e) **Acknowledgement and announcement of the 15-day notice of a construction project to install clean-outs on sewer service lines along the following street locations:**
- (i) **West Strider Street;**
(ii) **West Beasley Street between Shady Drive and Thornsedale Drive;**
(iii) **Tremont Drive between Shady Drive and North Fayetteville Street; and**
(iv) **West Balfour Avenue between Yorktown Lane and Henson Road.**
- (f) **A resolution authorizing the destruction of unclaimed found property with no legal value or that poses a potential threat to the public health and safety.**

RESOLUTION NUMBER _____ 25 RES 9-16 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE DESTRUCTION OF UNCLAIMED FOUND PROPERTY WITH NO LEGAL VALUE OR THAT POSES A POTENTIAL THREAT TO THE PUBLIC HEALTH AND SAFETY

WHEREAS, during the course of performing their duties, officers of the Asheboro Police Department occasionally come into possession of items of personal property for which either the identity of the owner(s) cannot be determined or the owner(s) for various reasons fail to retrieve the found property; and

WHEREAS, if such property is unclaimed for a statutorily mandated period of time, the police department publishes legal notice of the availability for retrieval of these items in accordance with Chapter 15, Article 2 of the North Carolina General Statutes; and

WHEREAS, after the most recent publication in *The Courier-Tribune* of a notice of unclaimed property, which occurred on July 15, 2016, some of the found property that remained unclaimed and in the possession of the police department could not be sold for the following reasons: (a) Some of the unclaimed items contain protected intellectual property that the city, in practice, cannot sell without violating intellectual property laws, (b) Some of the unclaimed items pose a substantial risk of being put to use for a criminal undertaking such as identity theft, and (c) Some of the unclaimed items pose a potential health threat to buyers who might consume the items or resale the items for consumption by others; and

WHEREAS, a numeric listing of the unclaimed items that cannot be sold for the above-stated reasons is attached to this Resolution as EXHIBIT 1, and EXHIBIT 1 is hereby incorporated into this Resolution by reference as if copied fully herein; and

WHEREAS, Section 160A-266(d) of the North Carolina General Statutes authorizes the city to discard personal property found to have no value or to pose a potential threat to the public health and safety;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that each item of unclaimed found property listed on the attached EXHIBIT 1 is hereby declared to be surplus property in the lawful possession of the city; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that, because of the combination of the practical absence of a lawful market for some of the unclaimed items with protected intellectual property and because of the potential threat posed to the public health and safety by other unclaimed items, the city's chief of police is hereby authorized to dispose of this surplus personal property by discarding as solid waste, in a manner that prevents future unlawful or harmful use, all of the unclaimed found property listed on the attached EXHIBIT 1.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT 1

1. Assorted Medications
2. Assorted Credit, Debit, Vehicle Registration, Insurance, Benefit, Library, Gift, and Store Cards
3. Passport and Assorted Identification Cards, Governmentally Issued and Otherwise
4. Assorted Keys with Key Fobs/Security Key
5. Receipts/Assorted Pictures/Papers
6. Assorted Cell Phones
7. Checkbooks/Savings Books
8. Birth Certificate
9. Electronic Tablets
10. Thumb Drive/Memory Cards
11. Miscellaneous Health and Beauty Aids
12. CDs/DVDs/Video Games
13. Full Scope of Contents Commonly Found within Purses, Change Purses, Wallets, and Backpacks
14. Assorted Mail/Envelopes
15. Assorted Beverages/Empty Bottle
16. Money Order
17. Snuff
18. Computer Hard Drives

(g) The findings, conclusions, and order entered under land use case no. CUP-16-08.

Case No. CUP-16-08
City Council
City of Asheboro, North Carolina

IN THE MATTER OF THE APPLICATION BY Mc-Mc PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT AUTHORIZING A LAND USE LABELED IN THE ASHEBORO ZONING ORDINANCE AS A MOBILE HOME SALES LOT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING, WITH CONDITIONS, THE REQUESTED CONDITIONAL USE PERMIT

THIS MATTER came before the Asheboro City Council (the "Council") for a properly advertised quasi-judicial public hearing on the question of whether to approve an application for a Conditional Use Permit. The public hearing was opened and sworn testimony received during a regular meeting of the

Asheboro City Council that was held on August 4, 2016. Having considered all competent evidence and argument, the Council, on the basis of competent, material, and substantial evidence, does hereby enter the following:

FINDINGS OF FACT

1. By and through one of its managers, Larry McKenzie, Mc-Mc Properties, LLC (the "Applicant") has properly submitted an application for a Conditional Use Permit authorizing a land use identified in the Asheboro Zoning Ordinance as a Mobile Home Sales Lot.

2. In compliance with the Asheboro Zoning Ordinance (the "AZO"), the Applicant included with the application a site plan showing the proposed land use on a parcel of land owned by the Applicant and identified by Randolph County Parcel Identification Number 7771054020.

3. The said parcel of land, which is approximately 7.6 acres in size, is subject to different zoning districts. The southern portion of the parcel of land is in a B2 zoning district. The parcel's northern portion, which is approximately 3.38 acres in size, is in a CUB2 (Conditional Use General Business) zoning district because of legislative action taken by the Council on August 4, 2016, immediately prior to the Council's deliberations concerning the Applicant's request for a Conditional Use Permit authorizing a Mobile Home Sales Lot.

4. The only portion of the Applicant's property with parcel identification number 7771054020 that is subject to the requested Conditional Use Permit is the northern portion of the parcel in the CUB2 zoning district. The land within the CUB2 zoning district is designated as "A1" on the map attached to this final decision document as "EXHIBIT 1," and EXHIBIT 1 is hereby incorporated into this document by reference as if copied fully herein. For ease of reference within this final decision document, the A1 property that is subject to the Conditional Use Permit shall be hereinafter referred to as the "Zoning Lot."

5. Section 102 of the AZO describes a Conditional Use District as follows:

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

6. A separate paragraph of Section 102 of the AZO further provides:

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non-CU District.

In addition, within a CU District no use shall be submitted (sic) except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

7. Section 1013.2 of the AZO establishes the following standards for the issuance by the Council of a Conditional Use Permit:

In considering an application for a Conditional Use Permit, the City Council shall give due regard that the purpose and intent of this ordinance shall be served, public safety and welfare secured and substantial justice done. If the City Council should find, after a public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. Specifically the following general standards shall be met:

- 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. (sic)*
- 2. That the use meets all required conditions and specifications. (sic)*

3. *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and,*
4. *That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Asheboro and its environs.*

8. The land use authorization for which a Conditional Use Permit is sought by the Applicant is a Mobile Home Sales Lot. The AZO defines a Mobile Home Sales Lot as follows:

A lot that displays manufactured homes for sale. This definition also includes modular homes that meet the NC Building Code on display for sale.

9. The Mobile Home Sales Lot land use is a permitted use in the B2 zoning district that is the underlying district for the Conditional Use District in which the Zoning Lot is located.

10. The Zoning Lot is currently undeveloped property.

11. The surrounding land uses are as follows:

North:	Single-Family Residential	East:	Industrial/Commercial/Single-Family Residential
South:	Commercial	West:	Place of Worship/Commercial (Vacant Dwelling Zoned B2)

12. With regard to the city's comprehensive development plans, the Growth Strategy Map identifies the area in which the Zoning Lot is located as an economic development area, and the proposed land development plan map designates the area as commercial.

13. The Zoning Lot is located on the south side of Crescent Drive. United States Highway 64 is located further to the south and is contiguous with the southern portion of the Applicant's parcel of land that is not part of this Conditional Use Permit application. Crescent Drive is a state-maintained road that is approximately 16' to 18' in width. United States Highway 64 is a state-maintained boulevard.

14. The Zoning Lot is outside the city limits, but municipal water service is available at the billing rate applicable to properties located outside of the city limits. Municipal sanitary sewer service is currently unavailable to the Zoning Lot.

15. The north side of Crescent Drive consists of single-family residential uses. The south side of Crescent Drive (the location of the Zoning Lot) consists of single-family residential uses, a place of worship, and a legal nonconforming industrial use to the east side of the Zoning Lot.

16. An agricultural use (greenhouses) previously existed on the Zoning Lot. The southern portion of the Applicant's parcel of land, which is in a B2 zoning district, was previously used for multiple commercial uses in addition to a single-family dwelling.

17. Consistent with the AZO's definition of a Mobile Home Sales Lot land use, the Applicant is proposing to use the Zoning Lot for a display area for the mobile homes (manufactured homes) offered for sale. The Applicant proposes to limit access to and from Crescent Drive to employees and emergency vehicles.

18. Components of the proposed land use, including without limitation the sales office and customer parking, may occur on the southern portion of the Applicant's parcel of land that is in a B2 zoning district along with other uses permitted by right in a B2 zoning district.

19. Buffering/screening is required adjacent to the place of worship (either a 5-foot Type A screen or a 15-foot Type A buffer) in addition to required buffering/screening adjacent to the single-family residence on the east side of the Zoning Lot (either a 10-foot Type C screen or a 25-foot Type C buffer).

20. In an effort to ensure the compatibility of the proposed use of the Zoning Lot with surrounding less intense land uses, especially the residential uses, and to advance the public interest, the city planning staff recommended the following conditions for attachment to any Conditional Use Permit that may be issued to the Applicant:

- (A) *The site plan shows a 20' wooded buffer maintaining existing vegetation adjacent to all residentially zoned property, adjacent to Crescent Drive, and along the northeastern property boundary adjacent to the western property boundary of Gayle F. Kurdian (See DB 1170, PG 1887). Existing vegetation shall count towards landscaping requirements, however, should any deficiency in meeting the landscaping requirements occur within any portion of the*

designated 20' buffer area, additional plantings will be required, which at a minimum, meet the requirements of a Type C screen.

- (B) *Notwithstanding information noted on the site plan, there shall only be one driveway on Crescent Drive. No homes shall be delivered to or from the property using this Crescent Drive entrance. This entrance along Crescent Drive shall be gated and remain locked except for employee use or emergency vehicles. Solid waste pickup shall not be via the Crescent Drive entrance.*
- (C) *Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.*

21. On behalf of the Applicant, Larry McKenzie offered uncontroverted testimony that no manufacturing activities will occur on the Zoning Lot, the sales office will operate during daylight hours, no unusually hazardous activities will be conducted on the Zoning Lot, and the proposed land use has been designed to comply with all applicable laws and regulations.

22. Larry McKenzie testified that he has twenty-five years of experience as a real estate developer. In his professional opinion, the land use proposed for the Zoning Lot will not have an adverse impact on the value of adjoining property.

23. Testimony was offered by six witnesses who had sincere, but generalized concerns about the potential negative impacts that could be created for their tight-knit neighborhood by the land use proposed for the Zoning Lot. The potential for noise, a loss of privacy, and an impairment of safety were the primary concerns, especially in relation to the potential for heightened traffic hazards due to a possible increase in traffic on Crescent Drive. However, no analytically sound evidence was introduced to establish that the proposed safeguards, in terms of conditions, to mitigate these perceived negative impacts would be ineffective.

24. In light of the testimony received in opposition to the application for a Conditional Use Permit, amendments were made, at the request of the Council members, to enhance the conditions submitted as part of the community development director's initial testimony concerning the city planning staff's analysis of the application. The revised conditions are as follows:

- (A) The site plan shows a 20' wooded buffer maintaining existing vegetation adjacent to all residentially zoned property, adjacent to Crescent Drive, and along the northeastern property boundary adjacent to the western property boundary of Gayle F. Kurdian (See DB 1170, PG 1887). Existing vegetation shall count towards landscaping requirements, however, should any deficiency in meeting the landscaping requirements occur within any portion of the designated 20' buffer area, additional plantings will be required, which at a minimum, meet the requirements of a Type C screen.
- (B) In addition to the buffering and screening requirements mandated above by Condition (A), the entirety of the existing wooded buffer and existing vegetation shall be preserved within the area of the Zoning Lot shown on the attached EXHIBIT 1 in the approximate configuration of a triangle located to the immediate south of lot H (the Kurdian property) and to the immediate west of lot I (the Ward property).
- (C) Notwithstanding information noted on the site plan, there shall only be one driveway on Crescent Drive. No homes shall be delivered to or from the property using this Crescent Drive entrance. The entrance along Crescent Drive shall be gated with a manufactured metal gate, and this gate shall remain locked except for use by emergency vehicles and by employees in the event of an emergency. Solid waste pickup shall not be via the Crescent Drive entrance.
- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

25. On behalf of the Applicant, Mr. McKenzie expressed agreement with the amended conditions.

26. The totality of the evidence established that, with the suggested conditions, the proposed land use meets the technical specifications of the AZO.

Based on the foregoing findings of fact, the Council hereby enters the following:

CONCLUSIONS OF LAW

1. When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions that the AZO requires for the issuance of a Conditional Use Permit, prima facie the applicant is entitled to the permit. A denial of the permit has to be based upon findings contra that are supported by competent, substantial, and material evidence appearing in the record.

2. In this case, the Applicant properly submitted an application for a Conditional Use Permit authorizing a Mobile Home Sales Lot land use on the Zoning Lot in a CUB2 zoning district.

3. In light of the evidence and the acceptance by a manager for the Applicant of the conditions attached to the Conditional Use Permit by the Council, the Applicant's proposed land use is compliant with the applicable requirements of the Asheboro Zoning Ordinance.

4. On the basis of substantial evidence in the record, the Council has concluded that the proposed land use meets the four general standards for granting the requested Conditional Use Permit. More specifically, the proposed land use will not materially endanger the public health or safety, meets all required conditions and specifications of the zoning ordinance, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located and is in general conformity with Asheboro's plan of development.

Based on the above-recited findings of fact and conclusions of law, the Council hereby enters the following:

ORDER

Subject to the following conditions, a Conditional Use Permit authorizing the above-described Mobile Home Sales Lot land use on the said Zoning Lot is hereby approved and issued to the Applicant and the Applicant's heirs, successors, and assigns. The continuing validity of this Conditional Use Permit is hereby made expressly contingent upon the Applicant and the Applicant's heirs, successors, and assigns complying at all times with the applicable provisions of the Asheboro Zoning Ordinance, the site plan presented and approved during the hearing of this matter, and the following supplementary conditions:

- (A) The site plan shows a 20' wooded buffer maintaining existing vegetation adjacent to all residentially zoned property, adjacent to Cresent Drive, and along the northeastern property boundary adjacent to the western property boundary of Gayle F. Kurdian (See DB 1170, PG 1887). Existing vegetation shall count towards landscaping requirements, however, should any deficiency in meeting the landscaping requirements occur within any portion of the designated 20' buffer area, additional plantings will be required, which at a minimum, meet the requirements of a Type C screen.
- (B) In addition to the buffering and screening requirements mandated above by Condition (A), the entirety of the existing wooded buffer and existing vegetation shall be preserved within the area of the Zoning Lot shown on the attached EXHIBIT 1 in the approximate configuration of a triangle located to the immediate south of lot H (the Kurdian property) and to the immediate west of lot I (the Ward property).
- (C) Notwithstanding information noted on the site plan, there shall only be one driveway on Cresent Drive. No homes shall be delivered to or from the property using this Cresent Drive entrance. The entrance along Cresent Drive shall be gated with a manufactured metal gate, and this gate shall remain locked except for use by emergency vehicles and by employees in the event of an emergency. Solid waste pickup shall not be via the Cresent Drive entrance.
- (D) Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

The above-listed findings, conclusions, and order were adopted by the Asheboro City Council in open session during a regular meeting held by the governing board on the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

5. Community Development items:

- (a) **Zoning Case RZ/CUP-16-10: Public hearing on a combined request to rezone a parcel of land at 1431 East Salisbury Street (Randolph County Parcel Identification Number 7761525272) from B2 (General Commercial) to CU-I2 (Conditional Use General Industrial) and to issue a Conditional Use Permit authorizing the following land uses: Motor Vehicle Repair-Major and Retail Shoppers' Goods (sales of automotive parts).**

Mayor Smith opened the public hearing on the combined request to legislatively rezone property and to issue a Conditional Use Permit on the basis of evidence presented during the quasi-judicial process.

Mr. Nuttall was placed under oath and presented the planning staff's analysis of the Applicant's request that included a properly submitted site plan for the Conditional Use Permit. The request pertains to approximately 2.67 acres of land owned by Kenneth P. and Bridget F. Gallimore that is located at 1431 East Salisbury Street and is more specifically identified by Randolph County Parcel Identification Number 7761525272.

The Applicant, Ken Gallimore, is requesting to rezone the above-described property from the current B2 (General Commercial) zoning to a CU-I2 (Conditional Use General Industrial) zoning.

During his presentation, Mr. Nuttall presented the staff analysis. This analysis of the application for rezoning to a CU-I2 zoning district noted in part:

1. East Salisbury Street and Martin Luther King, Jr. Drive are both state-maintained minor thoroughfares.
2. The property was annexed into the city limits on June 6, 2013, but the property is currently not served by public water and sewer.
3. The property currently includes a vacant structure that was last used for rental/sales of heavy equipment (farm machinery). Tax records indicate the principal structure on the property was constructed in 1964. This use was legal non-conforming since it was only permitted in Light Industrial (I1) and General Industrial (I2) zoning districts.
4. East Salisbury Street and its vicinity include a mix of residential uses, office/institutional uses, commercial uses, and an automotive related use requiring industrial zoning.

Mr. Nuttall also presented the staff's analysis of the application for a Conditional Use Permit. This analysis of the Conditional Use Permit application noted as follows:

1. The request is for a Conditional Use Permit for motor vehicle repair-major, including retail shoppers' goods (specifically sales of automotive parts).
2. The applicant proposes using a portion of the existing principal structure for a motor vehicle repair/body shop, two additions totaling 3,203 square feet, a new 7,200-square foot paint building, and enclosing an existing open accessory structure.
3. The applicant also proposes enclosing an existing accessory building that has a legal non-conforming situation due to its encroachment into the required 10' front yard setback. This proposed enclosure is permissible under Article 800, as long as the dimensions (length, width, height) do not further encroach into the setback. The site plan also indicates the possibility of removing the building and constructing a new enclosed structure that meets City requirements.
4. The site plan proposes using the two existing driveways on East Salisbury Street and a new driveway on Martin Luther King, Jr., Drive.
5. The Buffering/screening required is either a 10' Type C screen or 25' Type C buffer adjacent to the residentially zoned (R10) property on the west side of the property. The applicant is proposing using a combination of existing vegetation, planted vegetation, and other screening to meet these requirements. The applicant also proposes using existing vegetation to meet the front yard landscaping requirements along Martin Luther King, Jr. Drive.

6. The zoning ordinance and city code generally prohibit outdoor storage of junked motor vehicles and junk materials. No open storage areas of other materials are shown on the site plan, therefore, this would not be permitted.

The planning staff and the Planning Board recommended approval of the requested rezoning based on the following analysis:

“Although the Land Development Plan Proposed Land Use Map designates this property for commercial use, staff notes that the Central Small Area Plan recognizes the need to allow viable use of established properties and cites ‘accommodation of and expansion of existing industrial uses’ as a key issue in the Central Small Planning Area. It is also noteworthy that extensive areas of general B2 commercial zoning adjoin the property.

While the property’s history indicates a previous, long standing use that is industrial in nature, staff also recognizes the need to ensure that future proposed use(s) and the manner in which these use(s) develop are compatible with surrounding properties. Staff believes that the conditional use permitting process can mitigate negative impacts on neighboring properties. Furthermore, the property’s location outside of watershed, flood hazard areas, and areas with steep slopes help make the request suitable.

Given these factors, staff believes that the request is consistent with the adopted comprehensive Land Development Plan, and therefore reasonable and in the public interest.”

The Applicant, Mr. Ken Gallimore, and Mr. H.R. Gallimore, a real estate broker for the Applicant, were placed under oath and offered testimony in support of the request. This testimony was focused on addressing the four standards for issuance of a Conditional Use Permit. As part of his testimony, the Applicant, Mr. Ken Gallimore, expressed his agreement with the following conditions that were recommended by the planning staff for attachment to the requested Conditional Use Permit.

1. The site plan notes a minimum 10’ “Type C” Screen on the western boundary of the property adjacent to residentially zoned property. This “Type C” Screen indicates one (1) evergreen shrub at five (5) feet on center and one (1) evergreen tree at twenty (20) feet on center or an equivalent combination of vegetation and other screening that meets or exceeds the requirements of a “Type C” Screen. Existing vegetation may also count towards meeting screening/buffering requirements. However, should any deficiency in meeting the landscaping requirements occur, additional buffering or screening measures consistent with Section 304A of the Asheboro Zoning Ordinance shall be required.
2. As noted on the site plan, existing vegetation within the front 10’ of the property along Martin Luther King, Jr. Drive may count towards meeting front yard landscaping requirements. However, should any deficiency in meeting the front yard landscaping requirements occur, additional plantings will be required that at a minimum, meet the requirements of Section 308A of the Asheboro Zoning Ordinance.
3. Notwithstanding information provided on the site plan, if NCDOT requires closure or relocation of the driveway entrance on East Salisbury Street that is closest to Martin Luther King, Jr. Drive, this closure shall not be considered a modification of the Conditional Use Permit as long as all required parking spaces and maneuvering areas area provided.
4. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Use Permit in the chain of title for the Zoning Lot.

No one offered testimony in opposition to the Application. There being no further comments, Mayor Smith transitioned to the deliberative phase of the application process.

With regard to the request to place the property in a different zoning district, the Council considered and took action by adopting a multi-part motion that included the following actions:

1. The Council concluded that although the Land Development Plan Proposed Land Use Map designates this property for commercial use, the Central Small Area Plan recognizes the need to allow viable use of established properties and cites “accommodation of and expansion of existing industrial uses” as a key issue in the Central Small Planning Area. It is also noteworthy that extensive areas of general B2 commercial zoning adjoin the property.

While the property’s history indicates a previous, long standing use that is industrial in nature, the Council recognizes the need to ensure that future proposed use(s) and the manner in which these use(s) develop are compatible with surrounding properties. The conditional use permitting process can mitigate negative impacts on neighboring properties. Furthermore, the property’s location outside of watershed, flood hazard areas, and areas with steep slopes help make the request suitable.

2. In light of the above-stated analysis, the requested zoning amendment to rezone from B2 to CU-I2 zoning was approved without any modifications.

The above-stated motion to rezone the property was made by Mr. Moffitt and seconded by Ms. Carter. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

After its approval of the requested zoning amendment, the Council Members concluded that the standards for granting the requested Conditional Use Permit had been met. Upon motion by Mr. Moffitt and seconded by Mr. Swiers, Council voted unanimously to approved the requested Conditional Use Permit, with the staff suggested conditions, authorizing motor vehicle repair-major, including retail shoppers’ goods (specifically sales of automotive parts).

Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

The formal findings of fact, conclusions of law, and order authorizing the Conditional Use Permit and specifying the conditions attached to the permit, will be entered by the Council during regular session on October 6, 2016.

A copy of the visual presentation utilized by Mr. Nuttall is on file in the city clerk’s office.

(b) Consideration of scheduling a public hearing on the question of amending the boundaries of the primary fire limits.

Mr. Nuttall updated the Council Members on the staff’s evaluation of the process of amending the boundaries of the city’s primary fire limits. The current map of the city’s primary fire limits is dated March 21, 1983.

During his presentation, Mr. Nuttall reported that in order to evaluate the amendment process, the Fire Department along with the Community Development Division, and the Building and Fire Inspections Departments completed an analysis that including the following:

1. Review of year-built for all buildings within the current limits;
2. Evaluation of building area densities by block;
3. Examination of occupancy types, fire hydrant access and proximity to a fire station; and
4. Discussion of building code developments that have occurred since the date of the city’s current primary fire district (1983) and investments that have been made in public safety and emergency service arenas since that time.

After careful evaluation, city staff members concluded the following:

1. Greatest concentration of structures whose construction pre-dates modern building code requirements is contained within the blocks bounded by W. Salisbury Street to the north, N. Fayetteville Street to the east, Academy Street to the south, and S. Church Street to the west; and
2. Structures located outside of these blocks tend to be:
 - a. of newer construction
 - b. more frequently detached and setback from property lines
 - c. within an adequate distance of Fire Station Number 1 and fire hydrants to receive acceptable fire protection services.

In light of the above-stated analysis and conclusion, city staff members recommended that a public hearing on the question of amending the boundaries of the primary fire limits should be scheduled for October 6, 2016. Upon motion by Mr. Burks and seconded by Mr. Swiers, Council voted unanimously to schedule and advertise the public hearing that is to be held during the Council's regular meeting on October 6, 2016. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

Chief Wright was in attendance and available to answer questions.

A copy of the visual presentation utilized by Mr. Nuttall during his presentation is on file in the city clerk's office.

(c) Consideration of a resolution accepting the offer for a surplus parcel of city-owned land at 133 South Church Street.

Mr. Nuttall presented and recommended adoption, by reference, of a resolution accepting the offer for a surplus parcel of city-owned land at 133 South Church Street.

Upon motion by Ms. Carter and seconded by Mr. Swiers, Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER _____ 26 RES 9-16

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

**RESOLUTION ACCEPTING THE OFFER FOR A SURPLUS PARCEL OF CITY-OWNED LAND AT
133 SOUTH CHURCH STREET**

WHEREAS, the City of Asheboro (the "City") owns a parcel of land at 133 South Church Street that is identified by Randolph County Parcel Identification Number 7751726479 and is more specifically described by a North Carolina General Warranty Deed recorded in the office of the Randolph County Register of Deeds in Book of Record 2408, Page 445; and

WHEREAS, by means of adopting Resolution Number 24 RES 8-16 on August 4, 2016, the Asheboro City Council declared the parcel of land described in the immediately preceding paragraph to be surplus property and authorized the sale of this parcel of land (known as the "Historic Property") by means of the negotiated offer, advertisement, and upset bid process established in Section 160A-269 of the North Carolina General Statutes; and

WHEREAS, on August 19, 2016, the City received an offer from VSR, LLC, a North Carolina limited liability company, to purchase the Historic Property at a purchase price of \$119,000.00 (the "Offer"); and

WHEREAS, due to the fact that the said Offer was compliant with the applicable state law provisions and with the terms and conditions specified by Resolution Number 24 RES 8-16, the City, by and through the city clerk, published legal notice in *The Courier-Tribune* on Sunday, August 28, 2016, of the receipt of the Offer and invited the public to submit qualifying upset bids to the city clerk between the time of the publication of the legal notice and 5:00 p.m. on Wednesday, September 7, 2016; and

WHEREAS, no upset bids were submitted to the city clerk during the specified time period; and

WHEREAS, city staff members have reported the results of the said negotiated offer, advertisement, and upset bid process to the governing board with a recommendation to accept the Offer;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that the Offer of \$119,000.00 from VSR, LLC is hereby accepted in accordance with and subject to the terms of sale stated in Resolution Number 24 RES 8-16; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the Mayor and any other appropriate and necessary officials of the City are hereby authorized to execute the instruments necessary to convey the Historic Property to VSR, LLC in accordance with the terms of sale established by the City.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

6. Public comment period.

Mayor Smith opened the floor for public comments and none were offered.

In the absence of any comments, Mayor Smith closed the public comment period.

7. Finance items:

(a) Consideration of an ordinance to amend the Economic and Tourism Development Fund 2016-2017.

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the economic and tourism development fund 2016-2017.

Upon motion by Mr. Burks and seconded by Ms. Redding, Council voted unanimously to adopt the following ordinance by reference. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

19 ORD 9-16

**ORDINANCE TO AMEND THE ECONOMIC DEVELOPMENT & TOURISM DEVELOPMENT FUND
FY 2016-2017**

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Malt-O-Meal Company and the County of Randolph on March 14, 2011, and;

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Asheboro Elastics Corporation and the County of Randolph on September 8, 2014, and;

WHEREAS, the City of Asheboro entered into an economic incentive agreement with Kennametal Incorporated and the County of Randolph on September 8, 2014, and;

WHEREAS, in accordance with each of the economic incentive agreement, the City of Asheboro planned to distribute incentive funds upon each business' achieving certain performance requirements, and;

WHEREAS, the management teams of each of these companies have advised the City of Asheboro that they have not reached and do not expect they will be able to reach the performance requirements as outlined in the agreements, and;

WHEREAS, revenue and expenditures in the Economic Development and Tourism Development Fund need to be adjusted to account for the cancellation of each of these incentive payment commitments, and;

WHEREAS, the annual expenditure appropriation for ongoing annual community support payments to various agencies that support and promote Economic Development and Quality of Life in Asheboro need to be amended, and;

WHEREAS, the City of Asheboro desires to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

Section 1: That the following revenue line items be decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-367-1034	Contribution for M-O-M #10 (16-17)	(197,500)
72-367-1035	Contribution for M-O-M #11 (17-18)	(197,500)
72-367-1036	Contribution for M-O-M #12 (18-19)	(197,500)
73-367-1037	Contribution for M-O-M #13 (19-20)	(197,500)
73-367-1038	Contribution for M-O-M #14 (20-21)	(197,500)

72-371-0001	Contribution for AEC #1	(5,000)
72-371-0002	Contribution for AEC #2	(5,000)
72-371-0003	Contribution for AEC #3	(5,000)
72-372-0001	Contribution for Kennametal #1	(18,000)
72-372-0002	Contribution for Kennametal #2	(18,000)
72-372-0003	Contribution for Kennametal #3	(18,000)
72-372-0004	Contribution for Kennametal #4	(18,000)
72-372-0005	Contribution for Kennametal #5	(18,000)
		(1,092,500)

Section 2: That the following expense line items be increased / decreased:

<u>Line Item</u>	<u>Description</u>	<u>Appropriated Amount</u>
72-860-0024	Contribution for M-O-M #10 (16-17)	(197,500)
72-860-0025	Contribution for M-O-M #11 (17-18)	(197,500)
72-860-0026	Contribution for M-O-M #12 (18-19)	(197,500)
72-860-0027	Contribution for M-O-M #13 (19-20)	(197,500)
72-860-0028	Contribution for M-O-M #14 (20-21)	(197,500)
72-811-0001	Contribution for AEC #1	(5,000)
72-811-0002	Contribution for AEC #2	(5,000)
72-811-0003	Contribution for AEC #3	(5,000)
72-812-0001	Contribution for Kennametal #1	(18,000)
72-812-0002	Contribution for Kennametal #2	(18,000)
72-812-0003	Contribution for Kennametal #3	(18,000)
72-812-0004	Contribution for Kennametal #4	(18,000)
72-812-0005	Contribution for Kennametal #5	(18,000)
72-840-2000	Contribution for Chamber of Commerce	20,000
72-840-4000	Contribution for EDC	40,000
72-840-6000	Contribution for Piedmont Triad Partnership	(1,000)
72-900-6000	Meter Project Contingency	(86,117)
72-800-0002	Pigs & Pedals Tourism Event	27,117
		(1,092,500)

Adopted this the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H Doerr, CMC, NCCMC, City Clerk

(b) Consideration of an ordinance to amend the General Fund 2016-2017.

Ms. Reaves presented and recommended adoption, by reference, of an ordinance to amend the General Fund 2016-2017.

Upon motion by Ms. Carter and seconded by Ms. Snuggs, Council voted unanimously to adopt the following ordinance by reference. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

20 ORD 9-16

ORDINANCE TO AMEND THE GENERAL FUND FY 2016-2017

WHEREAS, The City Council of the City of Asheboro desires to amend the budget as required by law to adjust for changes in expenditures in comparison to the current fiscal year adopted budget, and;

WHEREAS, the City Council of the City of Asheboro wants to be in compliance with all generally accepted accounting principles, and;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA:

RESOLUTION NUMBER _____ 27 RES 9-16 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION STATING THE INTENT TO LEASE HANGAR SPACE TO THE CIVIL AIR PATROL

WHEREAS, the Asheboro Airport Authority has recommended leasing hangar space at the Asheboro Regional Airport to the Civil Air Patrol at a rental rate of One Dollar (\$1.00) per year for a 3-year term; and

WHEREAS, the Civil Air Patrol was incorporated under a Special Act of Congress approved July 1, 1946 (Public Law 476, 79th Congress); and

WHEREAS, the property subject to the proposed lease agreement has been continuously used by the Randolph Composite Squadron of the Civil Air Patrol for its operations for a significant number of years; and

WHEREAS, the proposed lease area will not be needed by the city during the requested term of the lease;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina that it intends to follow the Asheboro Airport Authority's recommendation to approve the proposed hangar lease with the Civil Air Patrol for the use and benefit of the Randolph Composite Squadron for a term of three years; and

BE IT FURTHER RESOLVED by the City Council of the City of Asheboro, North Carolina that the city clerk is hereby directed to publish in *The Courier Tribune* the statutorily mandated 30-day legal notice of the intent to authorize the described hangar lease agreement with the Civil Air Patrol during the council's regular meeting on November 10, 2016.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

(b) Consideration of a resolution authorizing the sealed bid sale of standing timber on city-owned land near the Asheboro Regional Airport.

Mr. Leonard presented and recommended adoption, by reference, of a resolution authorizing the sealed bid sale of standing timber on city-owned land near the Asheboro Regional Airport.

Upon motion by Mr. Swiers and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

RESOLUTION NUMBER _____ 28 RES 9-16 _____

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

A RESOLUTION AUTHORIZING THE SEALED BID SALE OF STANDING TIMBER ON CITY-OWNED LAND NEAR THE ASHEBORO REGIONAL AIRPORT

WHEREAS, pursuant to a resolution (Resolution Number 22 RES 7-16) adopted by the City Council of the City of Asheboro, North Carolina (the "City Council") on July 14, 2016, the City Council authorized the procurement by the City of Asheboro (the "City") from Tugwell Consulting Forestry, P.A. (the "Consulting Forester") of the professional services needed to prepare and conduct a timber sale; and

WHEREAS, the land for which a timber sale is proposed is located near the Asheboro Regional Airport, and the said land (the "Airport Property") is more specifically described as follows:

Approximately 125 +/- total acres of land located southwest of Asheboro proper, south of North Carolina Highway 49 and west of Tot Hill Farm Road, with the following Randolph County Parcel Identification Numbers and deed references to the books of record in the office of the Randolph County Register of Deeds: 7639454641 (Book 729, Page 11), 7639479760 (Book 1577, Page 970), 7639473372 (Book 1299, Page 295), 7639412973 (Book 1203, Page 1830), 7639579806 (Book 1312, Page 1930) (portion south of North Carolina Highway 49 only), 7639551008 (Book 1302, Page 1866), 7639332815 (Book 1434, Page 22), 7639229805 (Book 1434, Page 22), and 7639478044 (Book 934, Page 411); and

WHEREAS, within the above-described Airport Property, and based upon the professional opinion and services of the Consulting Forester, three separate blocks, all with good access and logging conditions, have been designated as the timber sale area for a clear-cut timber harvest; and

WHEREAS, the timber sale area is approximately 27% pine and 73% hardwood; and

WHEREAS, Section 160A-268 of the North Carolina General Statutes permits the city to dispose of real property such as this standing timber by advertisement and sealed bid;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. Subject to certain restrictions and conditions stated herein, the City Council hereby authorizes a clear-cut harvest of all merchantable timber, except for Stream Management Zones ("SMZs"), within the timber sale area. No hardwood trees measuring less than 18" across the stump, measured six inches from the ground, are to be harvested from the SMZs. All pine timber may be harvested from the SMZs. The boundaries of the SMZs have been marked with blue paint. The property/cutting lines for the timber sale area within which the clear-cut harvest is to be conducted have been identified in the field by the placement of glo-pink flagging. Furthermore, this timber sale is contingent upon bidders unequivocally accepting and complying with the following additional conditions of the sale:

1. Prior to the commencement of logging operations, the successful bidder must provide a performance bond in the amount of \$2,500.00 and must participate in a pre-harvest meeting with the Consulting Forester.
2. All logging activities must be kept within the designated timber sale area.
3. Logging road building expense shall be the sole responsibility of the successful bidder.
4. Forestry Best Management Practices ("BMPs") must be implemented throughout the timber sale area for the entire duration of logging operations. Any soil disturbance that results in stream sedimentation must be temporarily stabilized within 10 working days after the disturbance is made. Permanent stabilization must be completed within 30 working days after logging is completed. The successful bidder is responsible for ensuring the timber sale area is in compliance with all BMPs and Forest Practices Guidelines ("FPGs") at the conclusion of the logging operation.
5. The location of logging roads must be approved in advance by the Consulting Forester, and these roads must be constructed and maintained according to BMPs. Stream crossings must be approved in advance by the Consulting Forester, and such crossings must be constructed and maintained in compliance with BMPs. Bridge timbers are the preferred method for crossing SMZs. Access roads shall be repaired by the successful bidder to original condition, ordinary wear and tear excepted, after the completion of logging operations.
6. Trees left in the SMZs must be protected from excessive injury.
7. Glo-pink flagged property/cutting-line trees and blue painted SMZ boundary trees are not included in the sale area and are not to be harvested.
8. All cutting rights revert to the City as landowner after the timber is harvested. No firewood or stump harvesting is allowed.
9. The time limit for the completion of this harvest is 30 months, and the timber deed will expire 30 months from the date of the closing of the transaction. Time is of the essence.
10. No timber volumes published by the City or its officials, employees, contractors, agents, or representatives, specifically including without limitation the Consulting Forester, are guaranteed.

Section 2. Lump-sum, sealed bids will be accepted for this standing timber until noon on Thursday, October 27, 2016. Bids must be delivered to the office of Tugwell Consulting Forestry, 374 Abby Lane, Asheboro, North Carolina 27205.

Section 3. At noon on Thursday, October 27, 2016, all bids that have been received as of that date and time shall be opened in public, and the amount of each bid will be announced and recorded. The record of bids shall be reported to the City Council during its regular meeting on Thursday, November 10, 2016.

Section 4. The City Council will determine the highest responsible bidder for the standing timber and will decide whether to award the bid during the governing board's regular meeting on Thursday, November 10, 2016. Bids will remain open and subject to acceptance until the City Council awards the bid.

Section 5. In order for a bid to be deemed responsible by the City Council, the apparent high bidder must furnish to the City a bid deposit of five percent (5%) of the amount of the bid prior to the City Council's consideration of the report of bids on November 10, 2016. A bid deposit may take the form of cash, a cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until the sale of this standing timber is closed; if that bidder refuses at any time to close the sale in compliance with the terms and conditions stated herein, the deposit will be forfeited to the City.

Section 6. Furthermore, to be deemed responsible, a bidder must be current on payment of all property taxes owed to the City.

Section 7. The City Council reserves the right to reject any and all bids.

This Resolution was adopted by the Asheboro City Council in open session during a regular meeting of the governing board that was held on the 15th day of September, 2016.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

(c) Consideration of a Block Grant/Non Primary Entitlement Agreement for construction administration and construction observation of the Asheboro Regional Airport Ramp Rehabilitation Construction Project.

Mr. Leonard presented and recommended adoption of a block grant/non-primary entitlement agreement for construction administration and construction observation of the Asheboro Regional Airport Ramp Rehabilitation Construction Project.

Upon motion by Ms. Carter and seconded by Ms. Burks, Council voted unanimously to adopt the above-referenced agreement. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

[A copy of the approved agreement is available in the city engineering department.]

(d) Consideration of a contract with The Franklin Partnership, Washington, DC, to perform comprehensive federal affairs representation for an appropriation of federal funds for the proposed Terminal Building at Asheboro Regional Airport.

Mr. Leonard presented and recommended approval of a contract with The Franklin Partnership, Washington, DC, to perform comprehensive federal affairs representation for an appropriation of federal funds for the proposed terminal building at the Asheboro Regional Airport.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to approve the above-referenced contract. Council Members Burks, Carter, Moffitt, Redding, Snuggs, and Swiers voted in favor of the motion.

A copy of the above-referenced contract is on file in the city clerk's office.

9. Update on the animal control activities and programs, specifically including the implementation of the city's anti-tethering ordinance.

